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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------|------------------|
| 10/637,601 | 08/11/2003 | Ravin Balakrishnan | 1252.1023C | 3398 |
| 21171 | 7590 | 10/22/2004 | EXAMINER | |
| STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | CUNNINGHAM, GREGORY F | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2676 | |

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/637,601

Applicant(s)

BALAKRISHNAN ET AL.

Examiner

Greg Cunningham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/11/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. This action is responsive to communications of application filed 8/11/2003.
2. The disposition of the claims is as follows: claims 1-6 are pending in the application. Claims 1-6 are independent claims.
3. To aid in the correlation of any papers for this application, all further correspondence should be directed to Group Art Unit 2676 (effective 10/04). Please be sure to use the most current art unit number on all correspondence to help us route your case and respond to you in a timely fashion.

Double Patenting

4. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).
5. A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

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6. Claims 4-6 are rejected as “obvious type-double patenting” under 35 U.S.C. 101 as claiming the same invention as that of claim 1 of prior U.S. Patent No. 6,642,927. This is a double patenting rejection.

A. Claim 4, “A drawing system, comprising: a display; first and second input devices held by corresponding hands of a user; and a computer determining corresponding positions of said input devices on said display, and drawing a polyline between the corresponding positions on said display, where the corresponding positions of said input devices and at least one additional previous position contribute to a shape of the polyline” is disclosed by Patent No. 6,642,927 in claim 1. Wherein said claim 4 conveys a broader presentation of said claim 1 by leaving out “during a two-handed drag operation by the user”, as claimed in said claim 1.

B. Claim 5, “A drawing system, comprising: a display; first and second input devices held by corresponding hands of a user; and a computer determining corresponding positions of said input devices on said display and drawing a curve between the corresponding positions on said display, where the corresponding positions of said input devices and at least one additional previous position contribute to a shape of the curve” is disclosed by Patent No. 6,642,927 in claim 1. Wherein “curve” of said claim 5 corresponds to a large number of or infinitely many “polyline/s” of said claim 1.

C. Per independent claim 6, this is directed to a method for the system of independent claim 4, and therefore is rejected to independent claim 4.

Allowable Subject Matter

7. Claims 1-3 are allowed.

The following is an examiner’s statement of reasons for allowance:

Claims 1-3 disclose drawing system, comprising a display; first and second input devices held by corresponding hands of a user. Whereas the closest prior art of Lawrence D. Cutler Bernd Frohlich, and Pat Hanrahan, "Two-Handed Direct Manipulation on the Responsive Workbench" disclosure PolyShop concentrates on symmetric two-handed techniques for scaling, rotating, and stretching objects and navigating through the scene. Users can also align objects with both hands via anchors and constraints. In the CHIMP system [14], the user performs a unimanual operation for translations and rotations, and a bimanual symmetric movement for scales.

Then Myron W. Krueger discloses in "Videoplace and the Interface of the Future" a interface, showing the value of multipoint control. Two fingers can be used to define the endpoint of a line or the opposite as corners of a box as well positioning an object on the screen in one motion. Similarly, operator's two hands as control points for a spline curve.

Gordon Kurtenbach, George Fitzmaurice, Thomas Baudel, and Bill Buxton discloses in "The Design of a GUI Paradigm based on Tablets, Two-hands, and Transparency" simple 2D graphics to be created and edited such as circles, rectangles, triangles and polylines, but neither of the three given prior references teach drawing polylines, with the first input device designating a potential curve and the second device moving along the potential curve and converting a portion of the potential curve into the polyline; or drawing a polyline between the corresponding positions on said display with the first input device specifying a curve influence direction and the second input device converting the curve influence direction into the polyline; or drawing a polyline between the corresponding positions on said display with the first input and second input devices creating the polyline by tracing a curve using both input devices; or drawing a polyline between the corresponding positions on said display with the first input and

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second input devices creating the polyline by tracing a curve using both input devices; as claimed in claims 1-3.

Although "Digital Tape Drawing" by Ravin Balakrishnan, George Fitzmaurice, Gordon Kurtenbach, and William Buxton discuss the essence of said claims, however does not constitute prior art since it was published in 11/1999, while the priority date of the instant invention is 9/24/1999. Therefore claims 1-3 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Responses

8. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 872-9306 may be used for formal communications.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Inquiries

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Cunningham whose telephone number is (703) 308-6109.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached on (703) 308-6829.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,

Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

G.F. Cunningham, Examiner

gfc

October 13, 2004

Matthew C. Bella

MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600